

CITY COUNCIL MEETING MONDAY, MAY 29, 2007

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Reverend Hodge of the Twenty First Century Worship Center.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Fuhs, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Baez, District 5
Councilor Waltman, District 6

Mayor T. McMahon
City Solicitor C. Younger
City Clerk L. Kelleher
City Auditor D. Cituk
Public Works Director C. Jones

PROCLAMATIONS AND PRESENTATIONS

Council Commendation:

City Council issued a commendation to the Reading Police Department, in honor of National Police Week. The commendation was accepted by the FOP Lodge 9, represented by Officer Troy Heiser, President and Officer Malcolm Eddinger along with Chief of Police Heim and Captain Shafer.

Officers Heiser and Eddinger presented the City with a flag flown over the State Capital building in honor of fallen Officer Scott Wertz. The FOP requests that the flag be flown at the Police Memorial in City Park.

Mayoral Proclamations:

No proclamations were issued at this meeting.

PUBLIC COMMENT

Council President Spencer announced that one citizen was registered to address Council on agenda matters. He reminded all of the Public Speaking rules.

Steve Keiser, of N. 8th Street, expressed the belief that Bill No. 22-2007, the amendment to the Solid Waste Ordinance, is a backdoor move to create City-wide trash collection. He stated that the enactment of this ordinance will put the small haulers out of business within a 2 year period. He urged Council not to enact this ordinance as city voters voted against city-wide trash collection in the 2006 November General Election. He also expressed the belief that the Initiative and Referendum Ordinance, enacted on May 14th, thwarts citizens' rights to participation provided by the Charter.

APPROVAL OF AGENDA AND MINUTES

Council President Spencer called Council's attention to the agenda for this meeting and the minutes from the May 14, 2007 regular meeting of Council. He asked Council to consider the following amendments to the agenda:

- Remove 2 resolutions pertaining to BCTV
- Add 3 Ordinances for Introduction that will approve an agreement with BCTV, provide capital funding to BCTV and make an allocation to BCTV above that adopted in the 2007 General Fund Budget
- Add a resolution authorizing the administration to negotiate with Colonial Electric Supply for the sale of a parcel along Centre Avenue.

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to approve the minutes from the May 14, 2007 regular meeting of Council and the agenda as amended. The motion was approved unanimously.

Mr. Spencer noted that the Solid Waste Ordinance is pending. He suggested holding a public hearing or preparing educational materials on the ordinance before it is enacted.

ADMINISTRATIVE REPORT

Mayor Tom McMahon read the report distributed to Council at the meeting. The report covered the following topics:

- Met-Ed rate increase
- Dog Enforcement Sweep by the Humane Society
- Summer Recreation Program
- State Legislative Update

Councilor Waltman suggested reviewing the Aggressive Animal Ordinance at the Public Safety Committee meeting.

Council President Spencer and Mayor McMahon explained that the Aggressive Animal Ordinance is contained in the Animal Control Ordinance. They stated that this ordinance allows the Animal Control Board to declare an aggressive animal after reviewing the bite statistics from the prior year. The ordinance avoids singling out any specific breed. They noted the work of the Humane Society to do occasional sweeps and to educate the public about the terms of the ordinance. The Humane Society is the City's agent for the enforcement of this ordinance, along with the Reading Police and Codes Departments.

Council President Spencer stated that the ordinance has been challenged in court and was found to be constitutional in a decision by Court of Common Pleas Judge Jeffrey Schmehl.

Councilor Fuhs questioned if the Sun Fresh and IMAX projects will create jobs for Reading residents. Mayor McMahon explained the work of Sun Fresh to increase the number of minority tradesmen.

AUDITOR'S REPORT

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following topics:

- Payment of 2007 Admissions Tax
- Payment of 2007 Real Estate Transfer Tax
- Brief report of a Pension Seminar

Councilor Fuhs asked the Auditor for an update on the audit of the Redevelopment Authority's finances, requested at the April 23rd meeting.

Auditor Cituk stated that he discussed the Redevelopment Authority's Finances with the Finance Director and the issue is settled.

Council President reminded the Auditor that the audit was to include an independent look at issues such as the ongoing practice of dedicating funding to an Enterprise Fund. He reminded the Auditor that Council requested an independent report of the Redevelopment Authority's finances and accounting practices. He suggested that the City Clerk provide Council and the Auditor with copies of the findings contained in the External Audit report from 2004 and 2005.

Councilor Goodman-Hinnershitz suggested that the Auditor provide an update at the July Finance Meeting.

ORDINANCES FOR FINAL PASSAGE

Bill No. 34-2007 - an Ordinance amending the City of Reading Codified Ordinances by adding Part 15 Sidewalk Cafes to Chapter 10 Health and Safety **(Council Staff) Recommended by the Public Safety Committee, introduced at the 04/09/07 meeting of Council; tabled at the 04/23/07 meeting of Council; tabled at the 05/14/07 meeting of Council; discussed at the 05/21/07 Work Session**

Councilor Marmarou moved, seconded by Councilor Fuhs, to enact Bill 34-2007.

Council President Spencer reviewed the terms of the ordinance discussed and amended over the past 2 months.

Councilor Goodman-Hinnershitz expressed her belief in the process used to discuss and amend the terms of the ordinance.

Council President Spencer questioned the location on the Commercial Core.

City Clerk Kelleher explained that the Commercial Core is defined by the Zoning Map, located on the web site. It roughly extends east and west from North 8th Street to North 2nd Street and north and south from Walnut Street to Spruce Street. She explained that the Commercial Core is not a perfect rectangle and the exact dimensions should be viewed on the Zoning Map, located on the City's web site.

Councilor Waltman also agreed with the process used to draft and review the ordinance with those who will be affected. He noted the importance of enforcement inside and outside the defined area.

Mayor McMahon described the high activity levels of sidewalk cafes in other cities. He urged Council to enact this ordinance.

Bill 34-2007 was enacted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Waltman, Sterner, Fuhs, Marmarou, Spencer, President – 7.

Nay: None – 0.

Bill No. 36-2007 - authorizing the Mayor to renew the lease between the City of Reading and the Berks County Chapter of the Izaak Walton League of America. The agreement shall be renewed for a period of 25 years **(Public Works/ Council Staff) Introduced at the 05/14/07 meeting of Council; discussed and endorsed at the 04/16/07 Public Works Committee meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to enact Bill 36-2007.

Councilor Goodman-Hinnershitz explained that the Izaak Walton organization is hoping to extend their existing agreement with the City. The agreement provides for shared maintenance of Egleman's Park and furthers the conservation and preservation of the City's natural resources.

Council President Spencer questioned the addition of an additional 25 year extension to the 25 year term provided in the agreement (located at #3 in the agreement). He questioned the rationale behind agreeing to a 50 year agreement.

Public Works Director Jones explained the shared maintenance provided by the agreement with the Izaak Walton organization. He explained that the City checks the valves located in the dam breast and provides reports to the DEP.

Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to amend #3 to remove language providing the additional 25 year extension period.

The amendment to Bill No. 36-2007 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 36-2007 was enacted as amended by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 37-2007 - amending the Codified Ordinances of the City of Reading, Chapter 6, Section 6-122, by bringing the section into compliance with the Sidewalk Café and Bottle Club Ordinance **(Council Staff)** *Introduced at the 05/14/07 meeting of Council*

Councilor Fuhs moved, seconded by Councilor Marmarou, to enact Bill 37-2007.

Ms. Kelleher explained that terms in the Sidewalk Café and Bottle Club Ordinance are inconsistent with the current Open Container Ordinance. This amendment adds the language “as provided by law” to correct those inconsistencies. Captain Shafer agreed.

Bill 37-2007 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 38-2007 - increasing the salary of Charles D. Younger, City Solicitor to \$66,150.00, which reflects a 5% increase **(Managing Director)** *Introduced at the 05/14/07 meeting of Council*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to enact Bill 38-2007.

Council President Spencer explained that the Solicitor has not had a salary increase since he accepted the job 2 years ago. This increase would correct that error.

Mayor McMahon noted the excellent performance of the Solicitor and recommended that Council approve the increase.

Councilor Sterner noted the difficult role the Solicitor must play by walking a somewhat tenuous line between the Administration and Council. He expressed the belief that the Solicitor does a great job filling that role.

Bill 38-2007 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 39-2007 - amending the Codified Ordinances Chapter 11, Part 1, Section 11-102. Permit required; Application; Fees and Exemptions by changing the mailing date, submittal date and effective date of the Rental Occupancy Permit Applications for the 2007 Calendar Year
(Solicitor/Council Staff) Introduced at the 05/14/07 meeting of Council

Councilor Fuhs moved, seconded by Councilor Marmarou, to enact Bill 39-2007.

Councilor Waltman explained the enactment of this ordinance will provide Council and the Administration with time to amend the pending Housing Permit Ordinance by extending the effective date of the 2006 Housing Permit issued. He noted the process currently underway to review the terms of the proposed ordinance with REIA and the Realtors groups.

Bill 39-2007 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 40-2007 - conveying, for \$1,000.00, a parcel known as the Chester Street Lot to Mr. John Weidner **(Public Works Committee/Council**

Staff) Introduced at the 05/14/07 meeting of Council; discussed and endorsed at the 04/16/07 Public Works Committee meeting

Councilor Baez moved, seconded by Councilor Goodman-Hinnershitz, to table Bill No. 40-2007.

Bill 40-2007 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 41-2007 - authorized to execute the "Landowner-Grantee Agreement" between the City of Reading and the RiverPlace Development Corporation and/or the PA Department of Environmental Protection for the establishment and maintenance, etc. of solar-powered lighting along the Schuylkill River and Wyomissing Creek Trails **(Public Works/Solicitor) Introduced at the 05/14/07 meeting of Council**

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 41-2007.

Public Works Director Jones explained that the adoption of this ordinance will allow the addition of solar panels and solar lighting along the paths at River Place.

Councilor President Spencer questioned if the installation of the solar panels will require the removal of trees from the riverfront. Public Director Jones replied that the removal of trees is not necessary.

Bill 41-2007 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinances into the record:

Ordinance- authorizing the acquisition of 101 Lancaster Avenue, from National Penn Bank **(Managing Director)**

Ordinance- authorizing the granting on a one time Capital Grant to BCTV in the amount of approximately \$192,500.

Ordinance- entering into an agreement with BCTV.

Ordinance- amending the 2007 General Fund Budget to increase the annual appropriation to BCTV to \$170,000 from \$155,000.

RESOLUTIONS

Resolution 67-2007 - authorizing the administration to negotiate with Colonial Electric Supply for the sale of a parcel along Centre Avenue

Councilor Waltman moved, seconded by Councilor Baez, to adopt Resolution 67-2007.

Resolution 67-2007 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None -0.

Resolution 68- 2007- urging Congress to adopt the Employee Free Choice Act **(Spencer)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Waltman, to adopt Resolution 71-2007.

Councilor Fuhs stated that he will not support the adoption of this resolution after reading the Act itself as he believes it will limit the ability of the employee to vote no for union representation. He stated that the use of the card alone to provide employee consent to enter into the unionization of the workplace limits the employees' ability to vote privately after considering information provided by both the union and management.

Mr. Shaef, President of the United Labor Council, explained that the employee has the ability to request a separate election. He also noted that the Act imposes penalties on those who retaliate against workers during a union drive.

Councilor Fuhs disagreed stating that the Act eliminates the ability of the employee to vote by secret ballot.

Councilor Waltman noted the good debate on this issue. He agreed with the need to provide the employee with protection as the employee explores the opportunities afforded by having a union in the workplace. He expressed the belief that employee intimidation can come from the union and the workplace management. He expressed the belief that the vote for a union workplace should be public.

Councilor Sterner agreed that abuse and intimidation can occur from both sides of the union issue. He stated that some people have the misperception that unions only work to protect bad employees.

Councilor Goodman-Hinnershitz stated that she will support the adoption of the resolution as it supports and respects the rights of workers.

Resolution 68-2007 was adopted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.

Nay: Fuhs - 1.

Due to a conflicting appointment Councilor Marmarou requested permission to be excused from the meeting. No one objected.

Resolution 69-2007 - approving the reallocation of CDBG funds in the amount of \$143,376.00 to fund the Office of Neighborhood Development **(Managing Director)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner to table Resolution 69- 2007.

Resolution 69-2007 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None - 0.

Resolution 70-2007 - authorizing the submission of an application to the Pennsylvania Department of Community and Economic Development for the surveillance camera project **(Managing Director)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Waltman to adopt Resolution 70-2007.

Resolution No. 70-2007 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None - 0.

COUNCIL COMMENT

Councilor Fuhs urged all citizens to enjoy the summer by visiting the downtown restaurants and businesses. He noted the various problems with the Governor's proposed budget.

Councilor Fuhs questioned the Mayor's participation on groups like the statewide gun control endeavor before attending to basic public services such as street lighting, quality of life issues and trash that directly impact the lives of Reading residents.

Councilor Sterner thanked the Reading Police Department for their unending work to protect Reading residents.

Councilor Sterner disagreed with the comments made by Mr. Keiser. Mr. Keiser alleged that the City is thwarting the rights of citizens with the proposed trash ordinance.

Councilor Goodman-Hinnershitz thanked Mr. Keiser for updating Council on a recent meeting with the small trash haulers.

Councilor Goodman-Hinnershitz requested that the fireworks issue be placed on the Public Safety Committee agenda. She described the problems experienced by District 2 residents when illegal fireworks are used by citizens.

Councilor Waltman noted the severe lack of trust existing around the trash collection issue. He suggested that Council consider creating a Trash Commission that would set and review goals for collection services. He

asked the City Clerk to prepare an ordinance establishing a Trash Commission.

Councilor Goodman-Hinnershitz announced the upcoming District 2 community group meetings and activities.

Councilor Baez announced the upcoming District 5 community group meetings.

Councilor Baez thanked the Reading Police for providing the DARE program in Reading Schools. She noted the uplifting experience associated with the DARE Graduation Programs.

Council President Spencer noted the hazards of riding mini scooters on city streets.

Council President Spencer stated that the response to his complaint about the issues at 521 Weiser Street is unacceptable.

Council President Spencer inquired if the Special Events Coordinator is a 9 month contract or a full-time position. Managing Director Churchill and Mayor McMahon replied that this is a 9 month contract. The City will revisit the issue at the end of 2007.

Mayor McMahon provided an update on the Pagoda renovations and the coffee café. He stated that the coffee café had a soft opening last week. He stated that the City will be carefully monitoring sales, expenses and profit/loss at the café.

Council President Spencer asked the Mayor how he will address the City's structural deficit. Mayor McMahon stated that this is a problem experienced by all cities. Council President Spencer agreed but noted that most other cities devise a plan to address recovery.

Mayor McMahon stressed the importance of addressing gun violence and illegal guns. He noted the need for the State to adopt common sense gun laws. He noted his plan to introduce legislation that will create stiffer penalties for discharging firearms within the City limits.

Councilor Fuhs stated that he and Council do not in any way discount the importance of addressing gun violence; however, the Mayor should consider the importance of working street lights, paved streets, graffiti removal, etc. to the people who live in Reading's neighborhoods. He

expressed the belief that those seemingly small issues have a large impact on the everyday lives of every City resident and those who visit our City.

Public Works Director Jones stated that the City does not currently have an electrician in Traffic Engineering. He stated that the City plans to outsource this activity after discussing the issue with AFSCME. He reminded Council that when a pot hole is reported it will be filled within 24-48 hours. One Public Works crew is assigned to the pot hole issue.

Councilor Waltman agreed with the need to address gun violence while addressing the basic public works services required.

Council President Spencer reminded all that all gun laws will be litigated through the court system.

Councilor Waltman moved, seconded by Councilor Fuhs, to adjourn the regular meeting of Council.

Linda Kelleher
City Clerk